



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09/303,518	04/30/99	SCARLATO	V CHIR-0160

027476
Chiron Corporation
Intellectual Property - R440
P.O. Box 8097
Emeryville CA 94602-8097

HZ12/0531

EXAMINER

LUNDGREN, J

ART UNIT PAPER

1631

13

05/31/01

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

The reply filed on July 31, 2000, is not fully responsive to the prior Office Action because: this application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (i.e., errors in the CRF).

A CRF, fully compliant with the above stated rules, is required for any search and examination to proceed. As clearly stated in paragraph 4 of the Office Action mailed on May 26, 2000, and the letter mailed on September 5, 2000, a fully responsive communication will fulfill the sequence rules, as required. Since the period for reply set forth in the prior Office action and letter has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jeffrey S. Lundgren whose telephone number is (703) 306-3221. The Examiner can normally be reached on Monday-Friday from 7:00 AM to 5:00 PM (EST).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Dr. Michael Woodward, can be reached at (703) 308-4028.

Any inquiries of a general nature relating to this application should be directed to the Technical Center Receptionist whose telephone number is (703) 308-0196.

Papers related to this application may be submitted by facsimile transmission. Papers should be faxed to Group 1631 using (703) 308-0294. Please notify the Examiner of incoming facsimiles prior to sending papers to the aforementioned fax number. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG (November 15, 1989).

Jeffrey S. Lundgren, Ph.D.

JOHN S. BRUSCA, PH.D.
PRIMARY EXAMINER

**NOTICE TO COMPLY WITH
SEQUENCE RULES**

Application No.

09/303,518

Examiner

Jeffrey S. Lundgren

Applicant(s)

SCARLATO ET AL.

Art Unit

1631

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reasons:

- ☒ 1. This application clearly fails to comply with the requirements of 37 CFR 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- ☒ 4. A copy of the "Sequence Listing in computer readable form has been submitted. However the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked up "Raw Sequence Listing".
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable. A Substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☐ 7. Other:

Applicant must provide:

- ☐ An initial or ☒ A substitute computer readable form copy of the Sequence Listing.
- ☐ An initial or ☐ A Substitute paper copy of the Sequence Listing as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same, and, where applicable, include no new matter, as required by 37 CFR 1.821(e), (f), or (g) or 1.825(b) or (d).

FOR QUESTIONS PLEASE CONTACT:

Rules Interpretation (703) 308-4216
CRF Submission Help (703) 308 4212
PatentIn software help (703) 308 6856

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE